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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,814	12/22/2000	Rene C. Gaudreault	PA-153	9015

7590

01/31/2003

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Alexandria, VA 22314

EXAMINER

VOLLANO, JEAN F

ART UNIT

PAPER NUMBER

1621

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/71814

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

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**Commissioner of Patents and Trademarks**

Application 09/741,814 had a restriction requirement (filed in 9/24/2001) in which applicant elected claim 4 which was drawn to an assay for targeting protein receptors which is a ligand receptor binding assay which is found in class 436/501, 436/435 etc. The claim was stated to lack antecedent basis in the specification. The response to this problem as found in the amendment was to cancel claim 4 and write a new claim 8. However new claim 8 is not drawn to a ligand receptor binding assay it is drawn to a tumor cell line alkylation assay which is found in various subclasses of class 435/7.23. This is not a binding assay and as such the new claim is withdrawn from consideration as being drawn to a non elected invention since applicant has already received an office action on the original claim ( i.e. the claim is withdrawn as being non elected by original presentation). Applicant has made a bona fide attempt to respond to the office action and therefore the response is being considered as non responsive. Applicant has one month fee free to respond appropriately to the office action of 1/02/2002 which was apparently remailed on 8/14/02. After the one month grace period applicant may buy additional months up to 5 additional months for a total of 6 months to respond. If there is no response at the end of the time period the application will go abandoned.

To hasten prosecution the examiner requests as part of the response to thie non responsive letter a showing of support in the specification for all of the amendment to the specification filed on 1/25/2003.

  
Jean F. Vollano  
Primary Examiner  
Art Unit: 1621